

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Idowu Olukoya,

Petitioner,

No. Civ. S 05-0495 FCD PAN PS

vs.

Immigration and Naturalization Service,

Respondent.

ORDER

Petitioner, proceeding without counsel, filed a request for adjudication on a

naturalization petition pursuant to 8 U.S.C. § 1447. The matter was referred to a United States  
Magistrate Judge.

On November 23, 2005, the magistrate judge filed findings and recommendations  
herein which were served on all parties and which contained notice to all parties that any  
objections to the findings and recommendations were to be filed within twenty days. Respondent  
has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
304, this court has conducted a de novo review of this case. Having carefully reviewed the entire

1 file, the court finds the findings and recommendations to be supported by the record and by  
2 proper analysis.<sup>1</sup>

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed November 23, 2005, are adopted in  
5 full; and

6 2. Respondent's June 24, 2005, motion to dismiss is denied. Respondent must  
7 file and serve a response to petitioner's request for adjudication within 30 days, attaching thereto  
8 copies of relevant agency documents.

9 DATED:December 20, 2005

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11 /s/ Frank C. Damrell Jr.  
12 FRANK C. DAMRELL JR.  
United States District Judge

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23       <sup>1</sup> In its objections, respondent alternatively moves to dismiss on the ground that any  
further consideration of petitioner's naturalization application is "futile" because petitioner is  
statutorily barred from naturalization as an alien convicted of an aggravated felony. The court  
does not consider said argument herein as it was not raised by respondent in its motion to  
dismiss; rather respondent moved to dismiss on the sole ground of "mootness" based on the CIS'  
denial of petitioner's naturalization application on June 15, 2005. That is the only issue  
considered by the magistrate judge in the F&R, and accordingly, the only issue reviewed by the  
undersigned.